

II) REMARKS

None of the pending claims 33-76 have been amended in this Response. In the Office action, the Examiner has rejected claims 33 and 55 on the ground of obviousness-type double patenting as being unpatentable over claims 1, 36, and 71 of US Patent 6,199,048 in view of US Patent 5,550,976 to Henderson et al. While Applicant respectfully disagrees with this rejection, Applicant has submitted herewith a terminal disclaimer in order to overcome this rejection and proceed to allowance with expedience.

The Examiner has also rejected claims 33-76 under 35 USC 112, first paragraph, as failing to comply with the written description requirement. In particular, the examiner alleges that the following limitation is not explicitly disclosed in the Applicant's disclosure:

the requesting computer communicating with routing computers in the plurality of computers, said routing computers each having a table stored in memory, each table comprising a plurality of records, each of said records comprising at least part of an association of an index to a pointer which identifies an information computer on the network, by transmitting said machine-read index to at least one of said routing computers and receiving pointer information from said routing computers that correlates the machine-read index to a pointer which identifies an information computer on the network;

Applicant respectfully disagrees with the Examiner on this point. Applicant refers to page 13, lines 16-29 of the original application:

Also, database 60 may be divided into one or more

tables, which may be distributed over more than one computer. For example, a first table may contain records associating UPC numbers with names of products or manufacturers. A second table associates products and/or manufacturer names with Internet addresses. Thus, the process of using the UPC number to locate a network address may involve one or more steps. For example, database 60 might determine the name of a product corresponding to a UPC number using a first table, and then determine network addresses corresponding to that product name using a second table. Even though multiple steps are involved, the UPC number is still "associated" in computer memory with the network address for purposes of the invention.

As explained in this part of the specification, the database 60, which in one embodiment contains records that link UPC numbers to URLs (see Figure 4), ***may be distributed over more than one computer.*** One table may have records that associate the UPC number to a product name (or manufacturer name), and a second table may have records that associate the product (and/or manufacture name) with the Internet address (URL). This clearly stated in the referenced section of the specification repeated above.

Thus, a first table that links a UPC to a product name would be stored in a database on a first computer and a second table that links a product name to a URL would be stored in a database on a second computer. This clearly supports the claimed limitation "said routing computers each having a table stored in memory, each table comprising at least part of an association of an index (a UPC number, for example) to a pointer (the URL, for example) which identifies an information computer on the network". One part of the association of the index (UPC) to the pointer (URL) is the association of the index (UPC) to a product

name, as clearly stated in the referenced section of the specification. The other part of the association of the index (UPC) to the pointer (URL) is the association of the product name to the pointer (URL), also as clearly stated in the referenced section of the specification.

The Examiner has admitted that the database can reside on two computers (page 4 of the Office action).

Furthermore, the specification then clearly explains that one or more steps occur to obtain the network address from the UPC number. First, "the name of a product corresponding to a UPC number" is determined using the first table, and then the "network address corresponding to that product name" is determined with the second table. As then explained, **"Even though multiple steps are involved, the UPC number is still "associated" in computer memory with the network address for purposes of the invention."**

In this light, it is clear that the Applicant's specification discloses the recited step of "transmitting said machine-read index (the UPC) to at least one of said routing computers and receiving pointer information (the URL) from said routing computers that correlates the machine-read index to a pointer which identifies an information computer on the network." That is, the UPC is transmitted to this association of databases, and the associated URL is returned as a result of the interaction of the two tables referenced above that include the (1) UPC to product name association, and (2) product name to URL association.

Applicant notes that the Examiner asserted that "accessing data from more than one computer via a peer-to-peer network was well known at the time of the applicant's invention." Thus, the claimed invention would be understood by one skilled in the art given the Applicant's disclosure and the knowledge stated by the Examiner.

It is undisputed that the test for sufficiency of support in an application is whether the disclosure of the application relied upon "reasonably conveys to the artisan that the inventor had possession at that time of the later claimed subject matter." *Ralston Purina Co. v. Far-Mar-Co., Inc.*, 772 F.2d 1570, 1575, 227 USPQ 177, 179 (Fed. Cir. 1985) (quoting *In re Kaslow*, 707 F.2d 1366, 1375, 217 USPQ 1089, 1096 (Fed. Cir. 1983)). Given the Examiner's assertion of the state of the art with respect to peer-to-peer computing at the time this application was filed, and the disclosure in the specification as explained in detail herein, the requirements of the first paragraph of 35 USC 112 are in fact met. It is noted that the subject matter of the claim need not be described literally (i.e., using the same terms or *in haec verba*) in order for the disclosure to satisfy the description requirement. MPEP 2163.02.

It is underscored that the above example of the claimed invention is just that - an example - and the claim should not be limited to that particular set of steps. Notably, claim 34, which depends from claim 33, specifically sets forth this very case mentioned above.

It is respectfully requested that the pending claims be

allowed and pass to issue.

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Respectfully submitted,

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